

Examiner-Initiated Interview Summary

Application No.

09/829,508

Applicant(s)

WINTEROWD, JACK G.

Examiner

Callie E. Shosho

Art Unit

1714

All Participants:

(1) Callie E. Shosho.

(2) George Renzoni.

Status of Application: Allowed

(3) _____.

(4) _____.

Date of Interview: 13 October 2004

Time: _____

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

43-44

Prior art documents discussed:

Winterowd et al. (U.S. 6,608,131)

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability. Part II above.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

The examiner's amendment was agreed to and authorized by Mr. Renzoni.

Previously (see amendment filed 4/9/04), all independent claims pending in the present application had been amended to recite "consisting essentially of" transitional language in order to overcome prior art rejections utilizing Winterowd et al. given that Winterowd et al. always requires the use of wax which would materially affect the basic and novel characteristics of the paint and thus, fall outside the scope of the present claims reciting "consisting essentially of". Claims 43 and 44 added in the amendment filed 9/29/04, however, each recited "consisting essentially of" transitional language as well as required the use of ingredient (f) which included plasticizer, defoaming agent, dispersing aid, and/or coalescing agent.

The examiner's amendment was made to distinguish claims 43 and 44 from Winterowd et al. and avoid rejection of these claims utilizing Winterowd et al. given examiner's position that wax disclosed by Winterowd et al. could function as dispersing aid, defoaming agent, plasticizer, and coalescing agent whereby the disclosure of Winterowd et al. would fall within the scope of claims 43 and 44 and thus, be properly applicable against these claims. By making the examiner's amendment, Winterowd et al. is not applicable against present claims 43-44 for the same reasons it is not applicable against the other pending claims in the present application, namely, Winterowd et al. always requires the use of wax which would materially affect the basic and novel characteristics of the composition and thus, falls outside the scope of claims 43 and 44 which each recite "consisting essentially of" claim language.

The additional amendment to claim 44 to insert "optical brightener" was made to correct inadvertent omission by applicant and ensure that claim 44 recites same ingredient (f) as claim 43. Support for such amendment is found on page 4, lines 17-19 of the present specification.